

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF EAST KENTUCKY POWER)	
COOPERATIVE FOR A CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY)	CASE NO. 90-197
TO CONSTRUCT CERTAIN STEAM SERVICE)	
FACILITIES IN MASON COUNTY, KENTUCKY)	

O R D E R

This matter arising upon petition of East Kentucky Power Cooperative, Inc. ("EKPC") filed July 6, 1990 pursuant to 807 KAR 5:001, Section 7, for confidential protection of background information filed with the Commission concerning steam and electric service to the Inland Container Corporation paper mill on the grounds that public disclosure is likely to cause EKPC competitive injury, and it appearing to this Commission as follows:

EKPC seeks to protect as confidential information regarding its analysis of the impact of the Inland Container load on the EKPC system. The information is a product of a special analysis of the Inland Container load done by EKPC for its own internal evaluation and for the purpose of providing the necessary information to the Commission for approval of the contract.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause

substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The information sought to be protected contains an analysis of the impact of the Inland Container load on the EKPC system. This information would be of great value to EKPC's competitors and disclosure would seriously jeopardize the competitive position of EKPC in negotiations for future industrial loads. Therefore, the information should be protected from public disclosure as confidential and proprietary.

This Commission being otherwise sufficiently advised,


IT IS ORDERED that:

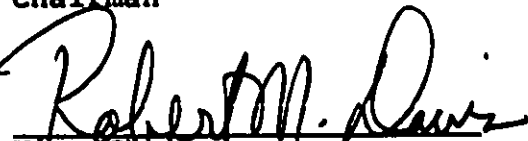
1. The analysis of the impact of the Inland Container load on the EKPC system, which EKPC has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

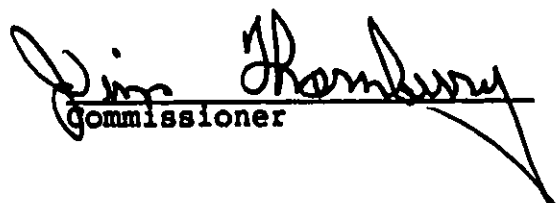
2. EKPC shall, within 10 days of the date of this Order, file an edited copy of the analysis with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 7th day of August, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director